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Attorneys for Plaintiff SCOTTSDALE INSURANCE COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SCOTTSDALE INSURANCE COMPANY,
an Ohio corporation,

Plaintiff,

v.

DAVID AND BETTY KAPLAN FAMILY
TRUST; DAVID KAPLAN, individually and
as trustee for DAVID AND BETTY KAPLAN
FAMILY TRUST; BETTY KAPLAN,
individually and as trustee for DAVE AND
BETTY KAPLAN FAMILY TRUST; LELAH
ZELINSKY FAMILY TRUST; LELAH
ZELINSKY, individually and as trustee for
LELAH ZELINSKY FAMILY TRUST; ASM
INVESTMENTS, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 3:15-cv-00538-WHA

JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING DATE FOR
SCOTTSDALE INSURANCE COMPANY'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT

Complaint Filed: February 4, 2015
Discovery Cut-Off: March 31, 2016
Motion Cut-Off: April 28, 2016
Trial Date: July 11, 2016

Pursuant to Federal Rules of Civil Procedure, Rule 56, Local Rules 6-2 and 7-12, plaintiff Scottsdale Insurance Company ("Scottsdale") and defendants David Kaplan, Betty Kaplan, David and Betty Kaplan Family Trust, Lelah Zelinsky, Lelah Zelinsky Family Trust, and ASM Investments, Inc. (collectively "Defendants") hereby enter into the following stipulation:

RECITALS

1. Scottsdale filed its complaint in this instant action on February 4, 2015. (Docket No. 2.) Defendants filed their answer to Scottsdale's complaint on June 15, 2016. (Docket No. 32.)

2. The hearing on Scottsdale's Motion for Partial Summary Judgment is currently scheduled for November 12, 2015 at 8:00 a.m.

3. On September 19, 2015, Scottsdale filed its Notice of Motion and Motion for Partial Summary Judgment ("Motion"). (Docket No. 38.) Scottsdale noticed the hearing date for its Motion for October 15, 2015.

4. On September 24, 2015, the Clerk of the Court issued a notice to the parties that the hearing date for Scottsdale's Motion had been rescheduled by the Court from October 15, 2015 to October 21, 2015. (Docket No. 44.)

5. On September 24, 2015, Defendants' counsel requested the Court to reschedule the October 21, 2015 hearing date due to counsel's unavailability. (Docket No. 52.)

6. On September 29, 2015, the Clerk of the Court notified the parties that the hearing date for Scottsdale's Motion had been rescheduled by the Court to November 12, 2015. (Docket No. 53.)

7. On October 6, 2015, Scottsdale contacted Defendants' counsel to ask if Defendants would be willing to continue the November 12, 2015 hearing date due to Scottsdale's counsel's unavailability. Defendants agreed to stipulate to a continuance of the hearing date for Scottsdale's Motion. The parties mutually agreed to continue the hearing on Scottsdale's Motion to November 19, 2015, pending confirmation of the Court's availability for that date.

8. Scottsdale's Motion has been fully briefed by both parties. Defendants filed their Opposition and supporting papers on September 24, 2015. (Docket Nos. 45-51.) Scottsdale filed its Reply brief on October 1, 2015. (Docket No. 54.)

9. Defendants have made one request for continuance of the hearing on Scottsdale's Motion. This will be Scottsdale's first request for continuance of the hearing date on its Motion.

IT IS HEREBY STIPULATED AND AGREED:

Subject to the Court's approval, Scottsdale and Defendants respectfully seek a continuance of the current November 12, 2015 hearing date for Scottsdale's Motion for Partial Summary Judgment to November 19, 2015.

DATED: October 7, 2015

SELMAN BREITMAN LLP

By: /s/ Linda Wendell Hsu
LINDA WENDELL HSU
MARK E. INBODY
QUYEN THI LE
Attorneys for Plaintiff SCOTTSDALE
INSURANCE COMPANY

DATED: October 7, 2015

UTRECHT & LENVIN, LLP

By: /s/ Paul Utrecht
PAUL UTRECHT
PATRICK CONNOLLY
JEFFREY BRENCÉ
Attorneys for Defendants
BETTY KAPLAN, Individually and as Trustee
of the David and Betty Kaplan Trust dated 9-15-
87; LAWRENCE MINNEY, as Trustee of the
David and Betty Kaplan Trust dated 9-15-87;
LALEH ZELINSKY, Individually and as
Trustee of the Laleh Zelinsky Revocable Trust
dated 4-28-08; and ASM INVESTMENTS,
INC.


[PROPOSED] ORDER

The Court having reviewed the stipulation between Plaintiff and Defendants, requesting a continuance of the hearing date for Plaintiff Scottsdale Insurance Company's Motion for Partial Summary Judgment, the Court grants the parties' request to continue the hearing date from November 12, 2015 to November 19, 2015.

IT IS SO ORDERED:

The hearing for Plaintiff Scottsdale Insurance Company's Motion for Partial Summary Judgment is scheduled for November 19, 2015 in Courtroom 8, on the 19th Floor, at 450 Golden Gate Avenue, San Francisco, CA 94102.

Dated: October 8, 2015.


Hon. William Alsup
District Judge of the United States District
Court, Northern District of California

Selman Breitman LLP
ATTORNEYS AT LAW